

Remarks:

Claims 1-8 are pending. Applicant has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1-8 are amended. No new matter is added as support for the amendments is found within the Specification and the drawings. It is submitted that the application, as amended, is in condition for allowance.

§102 Rejection(s):

Claims 1-20 are rejected under 35 U.S.C. §102(3) as being anticipated by U.S. Patent No. 6,560,403 to Tanaka (hereafter "Tanaka"). This rejection is respectfully traversed.

Anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." MPEP §2131.

In addition, anticipation of claims using a drawing requires that "the picture must show all the claimed structural features and how they are put together" and "[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art." MPEP §2125.

Claim 1, as amended, recites distinguishing between audio and video packs stored on a disc so that the audio can be played separately from the disc. An audio pack is distinguishable from a video pack based on identification information provided by the data packet in the audio pack.

Tanaka, however, discloses distinguishing between audio content block units (ACBUs), which comprise a plurality of audio packs, and video content block units (VCBUs), which comprise a plurality of video packs, so that audio can be played separately from the disc. An ACBU is distinguishable from a VCBU because an audio player automatically plays only ACBUs and disregards VCBUs. See Figures 1A and 1B; column 9, line 67 – column 10, line 4.

As such, Tanaka fails to disclose “determining whether the first pack is an audio pack based on identification information included in the data packet,” as recited in claim 1. In fact, Tanaka directly teaches away from the above element and should be withdrawn for being an improper reference. Claim 1 teaches playing audio separately by pack, while Tanaka teaches playing audio separately by ACBU, or group of packs. Further, claim 1 teaches using information included in a data packet inside a pack, while Tanaka teaches using information (i.e., identifier for an ACBU or a VCBU) included outside a pack.

It is respectfully noted that the TOC information disclosed in Tanaka is not equivalent to the identification information recited in claim 1. The TOC information in Tanaka is stored in the ATSI, which is located several layers outside a pack. See Figure 1B; column 8, lines 1-4. The identification information recited in claim 1, on the other hand is stored in a data packet, which is located inside a pack.

Accordingly, since Tanaka fails to disclose at least one of the recited elements in the amended claims, the §102 rejection should be withdrawn. Therefore, it is respectfully submitted that claim 1 is in condition for allowance. Claims 2-5 depend on claim 1 and should be in condition for allowance by virtue of their dependence on an allowable base claim. Amended claim 6 substantially incorporates the elements of claim 1; therefore, claim 6 and claims 7 and 8 depending from claim 6 should also be in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623 2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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